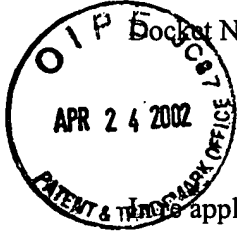


04-28-02

MP #14  
Box 8eq



Docket No.: NV1932

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Blake et al.

Group Art Unit: 1645

Application No.: 09/825,769

Examiner: To be assigned

Filed: April 4, 2001

For: Improved Method for the Production  
Of Bacterial Toxins

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Attention: Box Missing Parts

RESPONSE TO NOTICE OF MISSING PARTS

In response to the Notice of Missing Parts mailed March 18, 2002, enclosed are:

- Executed Combined Declaration and Power of Attorney
- Copy of "Submission of Sequence Listing and Computer readable Copy for Biotechnology Invention Containing Nucleotide and/or Amino Acid Sequence (37CFR§1.821-1.825)" as originally filed with patent application on April 4, 2001, including a paper copy and diskette.
- Copy of Notice to File Missing Parts of Nonprovisional Application

Please charge the surcharge of \$130.00 to our Deposit Account No. 02-1437 (NV1932), and any other fees that may be due. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Baxter Healthcare Corporation  
Post Office Box 15210  
Irvine, CA 92623-5210

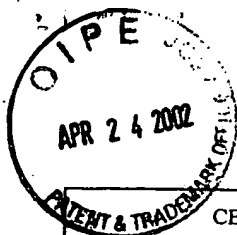
C. Joseph Faraci  
Registration No 32,350  
Telephone: (949) 250-6827  
Facsimile: (949) 474-6330

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this document (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Label No. EL861607533US, in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231 on April 24, 2002.

By:

Diane Branham



#3

## CERTIFICATE OF MAILING

Date: April 4, 2001

Express Mailing Label No.: EL524824495US

I hereby certify that on the dated listed above, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service in accordance with 37 C.F.R. § 1.10 as "Express Mail Post Office to Addressee," with sufficient postage in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231.

*Diane Branham*  
Diane Branham

PATENT

Applicant: Blake, et al.

Serial No.: Not Yet Assigned

Filed: April 4, 2001

Title: **IMPROVED METHOD FOR  
THE PRODUCTION OF  
BACTERIAL TOXINS**

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Atty Docket No.: NV1932

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Submission of "Sequence Listing" and Computer readable Copy for Biotechnology Invention  
Containing Nucleotide and/or Amino Acid Sequence (37 CFR § § 1.821 - 1.825)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In compliance with 37 CFR § § 1.821-1.825 Applicant encloses a paper copy of the Sequence listing for the nucleotide and amino acid sequences disclosed in the above-identified application. A copy of the Sequence Listing in computer readable form is also submitted herewith.

**Statement That Computer Readable Copy  
of Sequence Listing is the Same as  
the Paper Copy of the Sequence Listing**

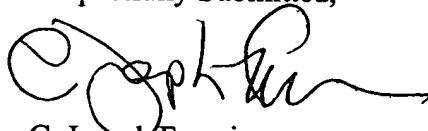
I hereby state:

1. The computer readable form of the Sequence Listing submitted in this application is the same as the paper copy of the "Sequence Listing" to which it is indicated to relate.
2. No new matter has been added to the computer readable copy or the paper copy of this Sequence Listing.

Verification

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified patent application and any patent issuing thereon.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'C. Joseph Faraci', with a long horizontal flourish extending to the right.

C. Joseph Faraci  
Reg. No. 32,350

Dated: April 4, 2001

Baxter Healthcare Corporation  
P.O. Box 15210  
Irvine, CA 92623-5210  
Telephone: (949) 250-6827  
Facsimile: (949) 474-6330



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/825,769	04/04/2001	Milan S. Blake	NV1932

CONFIRMATION NO. 3657

## FORMALITIES LETTER



\*OC000000007657452\*

Baxter Healthcare Corporation  
P.O. Box 15210  
Irvine, CA 92614



Date Mailed: 03/18/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

04/26/2002 SFELEKE1 00000077 09825769

FILED UNDER 37 CFR 1.53(b)

01 FC:105 130.00 CH

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

04/26/2002 SFELEKE1 00000077 09825769  
01 FC:105 130.00 CH

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*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE